

UNITED STATES DISTRICT COURT

for the

District of Oregon

United States of America

v.

Desean Lavar Milton

Case No.

6:20-mj-00050 - MK

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 11, 2019, and thereafter in the county of Lane in the
District of Oregon, the defendant(s) violated:

Code Section

Offense Description

18 United States Code, Section
 2250(a)

Failure to Register as a Sex Offender

This criminal complaint is based on these facts:

See attached Affidavit of Deputy U.S. Marshall Bryon Carroll

☒ Continued on the attached sheet.

/s/ Bryon Carroll per Rule 4.1
 Complainant's signature

Bryon Carroll, Deputy U.S. Marshall

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/16/2020

[Signature]
 Judge's signature

City and state: Eugene, Oregon

Mustafa T. Kasubhai, U.S. Magistrate Judge

Printed name and title

DISTRICT OF OREGON)
)
COUNTY OF LANE) ss: AFFIDAVIT OF BRYON CARROLL

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Bryon Carroll, being duly sworn, do hereby declare and state the following:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Senior Inspector with the United States Marshals Service and have been with the United States Marshals Service since November 2010 in multiple agency positions. I am currently the District Sex Offender Coordinator for the District of Oregon. I am a graduate of both the Criminal Investigator Training Program and the United States Marshals Service Academy at the Federal Law Enforcement Training Center in Glynco, Georgia. Prior to becoming a Deputy United States Marshal, I was a Police Officer for the Gainesville Police Department in Gainesville, Florida, from March 2008 to November 2010. I am an active member of the Florida Bar. I have conducted numerous criminal, fugitive, and sex offender investigations.
2. I make this affidavit in support of the criminal complaint and the arrest warrant for Desean Lavar MILTON for a violation of Title 18, United States Code, Section 2250(a), Failure to Register as a Sex Offender. As set forth below, there is probable cause to believe, and I do believe, that MILTON is required to register as a sex offender under the Sex Offender Registration and Notification Act, is a sex offender by reason of a federal conviction, and knowingly failed to register as a sex offender, in violation of 18 U.S.C. § 2250(a).
3. This affidavit is submitted for the limited purpose of establishing probable cause for the criminal complaint and the arrest warrant and does not set forth all known facts related to this matter. The information in this affidavit was ascertained during a criminal investigation that

included, in part, a review of pertinent documents and records, communications with law enforcement personnel, and communications with individuals related to this matter.

APPLICABLE LAW

4. Title 18, United States Code, Section 2250(a) provides:

(a) In General.—Whoever—

(1) is required to register under the Sex Offender Registration and Notification Act;

(2)(A) is a sex offender as defined for the purposes of the Sex Offender Registration and Notification Act by reason of a conviction under Federal law (including the Uniform Code of Military Justice), the law of the District of Columbia, Indian tribal law, or the law of any territory or possession of the United States; or

(B) travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country; and

(3) knowingly fails to register or update a registration as required by the Sex Offender Registration and Notification Act;

shall be fined under this title or imprisoned not more than 10 years, or both.

PROBABLE CAUSE

5. Summary: MILTON is a federally-convicted sex offender who poses a risk to children and the community. In 2011, the United States District Court for the District of Oregon convicted MILTON of Sex Trafficking of Children. MILTON has an extensive history of violating the terms of his community supervision. In violation of the Sex Offender Registration and Notification Act, MILTON, a sex offender by reason of a federal conviction, failed to register or update a registration as required. MILTON was involved in additional criminal activity while in violation of his sex offender registration requirements.

6. On May 16, 2011, MILTON was convicted in the United States District Court for the District of Oregon of Sex Trafficking of Children, in violation of 18 USC 1591(a) and (b)(2), court case number 3:09-CR-282-01-MO. MILTON trafficked multiple victims who were younger than 18 years old. The Court sentenced MILTON to 96 months of imprisonment, followed by five years of supervised release. As special conditions of supervision, the Court ordered MILTON to register as a sex offender and have no unapproved contact with minors. Due to this conviction, MILTON is required to register as a sex offender pursuant to the Sex Offender Registration and Notification Act.

7. On April 25, 2017, the United States District Court for the District of Oregon determined MILTON had violated the terms of his supervised release. The Court continued MILTON's term of supervised release. As special conditions of supervision, the Court ordered MILTON to register as a sex offender; have no unapproved contact with minors; and not participate in prostitution activities, not associate with prostitutes, and not frequent areas or places where prostitution is a known activity.

8. On July 7, 2017, the United States District Court for the District of Oregon determined MILTON had violated the terms of his supervised release. The Court continued MILTON's term of supervised release.

9. On November 30, 2017, the United States District Court for the District of Oregon determined MILTON had violated the terms of his supervised release. The Court sentenced MILTON to six months of imprisonment, followed by no term of supervised release.

10. On April 20, 2018, MILTON registered as a sex offender through the Springfield Police Department and provided a residential address of 966 Centennial Boulevard #5 in Springfield, Oregon. MILTON did not provide a separate mailing address. MILTON signed an Oregon Sex Offender Registration Requirements form that outlined his sex offender requirements.

11. On October 11, 2019, MILTON registered as a sex offender through the Springfield Police Department and provided a residential address of 966 Centennial Boulevard in Springfield. MILTON provided the same address as a mailing address. The note section for the residential address stated: "REGISTRANT STATES THAT THERE SHOULD HAVE NEVER BEEN AN APARTMENT NUMBER ON HIS PRIOR ADDRESS." MILTON signed a Registration Form that listed his registered addresses. MILTON also signed an Oregon Sex Offender Reporting Requirements form that outlined his sex offender requirements. **Records show this was MILTON's last sex offender registration in Oregon.** A section of the Oregon Sex Offender Reporting Requirements form signed by MILTON is below.

FEDERAL LAW - REGISTRATION AND REPORTING REQUIREMENTS:
18 U.S.C. §2250- Failure to register: Section 2250 of Title 18, United States Code, makes it a federal offense for sex offenders required to register pursuant to the Sex Offender Registration and Notification Act (SORNA), to knowingly fail to register or update a registration as required. State convicted sex offenders may also be prosecuted under this statute if the sex offender knowingly fails to register or update a registration as required, and engages in interstate travel, foreign travel, or enters, leaves, or resides on an Indian reservation. A sex offender who fails to properly register may face fines and up to 10 years in prison. Furthermore, if a sex offender knowingly fails to update or register as required and commits a violent federal crime, he or she may face up to 30 years in prison under this statute.
It is a requirement of the Adam Walsh Act, 34 U.S.C. §21501-21510, that a registrant inform his or her residence jurisdiction of any intended travel outside of the United States at least 21 days prior to that travel.

12. On March 3, 2020, an individual contacted the Oregon Department of Human Services with concerns about an eight-year old male child and a 10-year-old male child. The individual shared concerns about the children's mother allowing unsafe individuals, including a sex offender, around the children. The individual also shared concerns about the children's mother using drugs. The individual said the children's mother lives at a residence on the 1600 block of Bailey Hill Road in Eugene. The individual said the sex offender is not registering as a sex offender as required. The individual said the children's mother and the sex offender were contacted by law enforcement during a traffic stop in Medford, Oregon, on February 2, 2020. The individual said law enforcement found heroin in the vehicle during the traffic stop. The Oregon Department of Human Services opened a child welfare case. I have confirmed that MILTON was arrested by Medford Police Department on February 1, 2020, following a traffic

stop involving multiple passengers in a vehicle MILTON was driving. Heroin was located in the vehicle. The report also states that MILTON initially provided a false name.

13. On March 8, 2020, a Eugene Police Department officer followed up on the Oregon Department of Human Services child welfare case. Through investigation, the officer identified the sex offender involved in the child welfare case as MILTON. The officer went to the residence located on the 1600 block of Bailey Hill Road in Eugene and spoke with the children's mother. The children's mother refused to let the officer inside the residence. The children's mother told the officer that she had not heard from MILTON since Valentine's Day. The children's mother said she knew MILTON was a sex offender. The children's mother suggested she had not heard from MILTON because MILTON was not helping her pay some bills. The officer determined the children were currently in California.

14. On March 8, 2020, a Eugene Police Department officer went to the residence located at 966 Centennial Boulevard in Springfield (MILTON's last registered address). The officer left a business card at the residence. The officer later received a phone call from the current tenant. The current tenant told the officer that he had been renting the residence since August 1, 2019, and did not know who MILTON was.

15. On March 8, 2020, a Eugene Police Department officer completed an Attempt to Locate on MILTON. The Attempt to Locate notified law enforcement in the Eugene area that the officer had probable cause to arrest MILTON for Failure to Register as a Sex Offender.

16. On March 8, 2020, Springfield Police Department officers contacted two individuals in a vehicle during a traffic stop. An officer had identified one of these individuals as MILTON. An officer detained MILTON on Eugene Police Department Attempt to Locates for Failure to Register as a Sex Offender and Unauthorized Use of a Vehicle. Post-Miranda, MILTON suggested he had been frequently dealing with his sex offender registration. MILTON said he

registered that last time he was released from the Springfield Municipal Jail. MILTON said he had been arrested several times for his sex offender registration and that he always registered prior to being released from custody. An officer transported MILTON to the Springfield Municipal Jail where MILTON was later transferred to the custody of the Eugene Police Department. I provided assistance to the Eugene Police Department.

17. On March 10, 2020, I spoke with a Lane County Parole and Probation officer. The officer has been MILTON's probation officer since November 2018. The officer said MILTON is on community supervision for Identity Theft and two separate convictions for Unlawful Possession of Methamphetamine. MILTON has never reported to the officer since November 2018 despite being told to report multiple times. MILTON has received four separate sanctions for failing to report as directed. Due to MILTON's multiple violations, the officer described MILTON's community supervision as a cycle of sanctions. None of the sanctions related to MILTON being a sex offender as MILTON is not on sex offender community supervision. The officer said MILTON has spent the majority of his community supervision on abscond status. Lane County Parole and Probation listed MILTON's address in December 2018 as 966 Centennial Boulevard in Springfield (MILTON's last registered address). The officer said this address was obtained from the Lane County Jail and not from MILTON. Lane County Parole and Probation records show Eugene Police Department officers went to the Centennial Boulevard residence in December 2018 and determined the residence had been vacant for two months.

18. The following month in January 2019, MILTON told the Lane County Parole and Probation officer that he was living with his parents at a residence located on the 900 block of North Cloverleaf Loop in Springfield. The officer visited the North Cloverleaf Loop residence on March 2, 2019, and spoke with MILTON's father. MILTON's father told the officer that

MILTON was not living at the residence. MILTON's father did not have a current residential address for MILTON.

19. The officer spoke with MILTON on February 7, 2020, after MILTON was arrested on a community supervision violation warrant. MILTON told the officer that he was living with an individual at a residence located on the 3600 block of West 18th Avenue in Eugene. This individual is possibly the children's mother referenced in the child welfare case above.

20. On March 10, 2020, I developed information that MILTON's parents lived at the residence located at 966 Centennial Boulevard in Springfield (MILTON's last registered address in October 2019) from June 1, 2010, to September 30, 2018. I also determined that the 966 Centennial Boulevard residence was vacant between September 30, 2018, and February 5, 2019, and again between July 31, 2019, and August 2, 2019.

21. On March 11, 2020, I spoke with a Springfield Municipal Jail sergeant by phone. The sergeant checked jail records and said MILTON was last released from Springfield Municipal Jail custody on October 11, 2019, which corresponds with MILTON's last sex offender registration.

22. On March 11, 2020, I spoke with the current tenant of the residence located at 966 Centennial Boulevard in Springfield (MILTON's last registered address) by phone. I identified myself and said I was calling the current tenant to follow up on the case that the current tenant had recently spoken to an officer about. The current tenant confirmed the current tenant currently lives at the Centennial Boulevard residence with his fiancé. The current tenant said he and his fiancé moved to the Eugene area about one year ago, and moved into the Centennial Boulevard residence on August 1, 2019. The current tenant said no one else has lived at the Centennial Boulevard residence since when he and his fiancé moved in. Therefore, MILTON

was not residing at this location when he provided that address for his last registration in October 2019. I have also determined that 966 Centennial Blvd. is a single-family unit.

23. On March 11, 2020, I queried the National Crime Information Center for wants and warrants for MILTON. Per the National Crime Information Center, MILTON previously registered as a sex offender in Oregon in October 2019. No other sex offender registrations were listed.

24. On March 11, 2020, I queried the National Sex Offender Registry for MILTON. Per the National Sex Offender Registry, MILTON previously registered as a sex offender in Oregon in October 2019. No other sex offender registrations were listed.

25. On March 11, 2020, I queried the National Sex Offender Public Website for MILTON. The National Sex Offender Public Website listed no records for MILTON.

26. Under the Sex Offender Registration and Notification Act, MILTON has a current requirement to register as a sex offender. Under Oregon state law, MILTON has a lifetime requirement to register as a sex offender in Oregon.

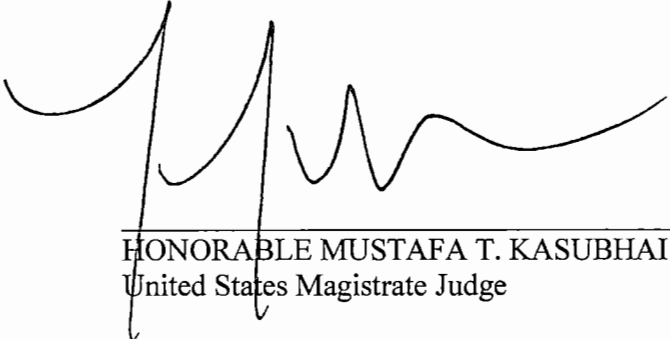
27. Based on the above information, I believe MILTON is required to register as a sex offender under the Sex Offender Registration and Notification Act, is a sex offender by reason of a federal conviction, and knowingly failed to register as a sex offender. I believe MILTON changed his residence and failed to register as a sex offender. Additionally, I believe MILTON provided a false residential address during his sex offender registration on October 11, 2019. As such, I believe there is probable cause that MILTON failed to register as a sex offender as required under 18 U.S.C. § 2250(a), and I respectfully request this Court issue the requested criminal complaint and arrest warrant.

28. This affidavit, and the requested criminal complaint and arrest warrant, were reviewed by Assistant United States Attorney (AUSA) Helen L. Cooper prior to being presented to the Court.

AUSA Cooper informed me that, in her opinion, the affidavit sets forth sufficient facts to establish probable cause for the criminal complaint and the arrest warrant.

/s/ Bryon Carroll per Rule 4.1
BRYON CARROLL
Senior Inspector
United States Marshals Service

Subscribed and sworn to me telephonically pursuant to FRCP 4.1 this 16 day of
March, 2020, at 12:30 a.m. / p.m. in the District of Oregon.


HONORABLE MUSTAFA T. KASUBHAI
United States Magistrate Judge